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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA
RENO DIVISION**

**UNWIRED PLANET LLC, a Nevada
limited liability company,**

Plaintiff,

v.

APPLE INC., a California corporation,

Defendant.

CIVIL ACTION NO.

3:12-cv-505-RCJ-VPC

**PLAINTIFF'S REPLY TO APPLE
INC.'S ANSWER TO COMPLAINT
FOR PATENT INFRINGEMENT,
AFFIRMATIVE AND OTHER
DEFENSES, AND
COUNTERCLAIM**

(JURY DEMAND)

1 Plaintiff Unwired Planet LLC (“Unwired Planet” and/or “Plaintiff”) respectfully replies to
2 the defenses and counterclaims set forth in Defendant Apple Inc.’s (“Apple”) Answer to
3 Complaint for Patent Infringement, Affirmative and Other Defenses, and Counterclaim (Dkt. 2,
4 hereinafter “Answer and Counterclaims”).

5 **AFFIRMATIVE AND OTHER DEFENSES**

6 The introductory paragraph to the “AFFIRMATIVE AND OTHER DEFENSES” section
7 of Apple’s Answer and Counterclaims does not contain a statement which warrants an affirmation
8 or denial. To the extent any response is warranted, Unwired Planet responds as follows: denied.

9 **FIRST DEFENSE — INVALIDITY**

10 1. Unwired Planet denies the allegations in paragraph 1 of Apple’s Answer and
11 Counterclaims.

12 **SECOND DEFENSE — NONFRINGEMENT**

13 2. Unwired Planet denies the allegations in paragraph 2 of Apple’s Answer and
14 Counterclaims.

15 **THIRD DEFENSE — LACHES/ESTOPPEL/WAIVER**

16 3. Unwired Planet denies the allegations in paragraph 3 of Apple’s Answer and
17 Counterclaims.

18 **FOURTH DEFENSE — LIMITATION OF DAMAGES**

19 4. Unwired Planet denies the allegations in paragraph 4 of Apple’s Answer and
20 Counterclaims.

21 **FIFTH DEFENSE — NO NOTICE**

22 5. Unwired Planet denies the allegations in paragraph 5 of Apple’s Answer and
23 Counterclaims.

24 **SIXTH DEFENSE — LICENSE/PATENT EXHAUSTION**

25 6. Unwired Planet denies the allegations in paragraph 6 of Apple’s Answer and
26 Counterclaims.

27 **SEVENTH DEFENSE — COSTS BARRED**

1 7. Unwired Planet denies the allegations in paragraph 7 of Apple's Answer and
2 Counterclaims.

3 **EIGHTH DEFENSE — FAILURE TO STATE A CLAIM**

4 8. Unwired Planet denies the allegations in paragraph 8 of Apple's Answer and
5 Counterclaims.

6 **NINTH DEFENSE — INEQUITABLE CONDUCT**

7 9. Unwired Planet denies the allegations in paragraph 9 of Apple's Answer and
8 Counterclaims.

9 **U.S. Patent No. 7,299,033**

10 10. Unwired Planet denies the allegations in paragraph 10 of Apple's Answer and
11 Counterclaims.

12 11. Unwired Planet admits that U.S. Patent No. 7,299,033 (the "'033 Patent") was
13 filed as application number 10/601,022 on or about June 19, 2003. Unwired Planet further admits
14 that, according to the '033 Patent, the following provisional U.S. applications are related to the
15 '033 Patent: 60/393,024 (filed on or about June 28, 2002), 60/392,383 (filed on or about June 28,
16 2002), 60/393,041 (filed on or about June 28, 2002), 60/392,999 (filed on or about June 28,
17 2002). Except as so admitted, Unwired Planet denies the allegations in paragraph 11 of Apple's
18 Answer and Counterclaims.

19 12. Unwired Planet admits that claims 1, 17, 20, and 27 of the '033 Patent recite, in
20 part, "plurality of domains," and "each of the domains having assigned thereto to a particular set
21 of digital products designed for use in wireless communication devices that are accessible to the
22 wireless services subscribers in that domain." Except as so admitted, Unwired Planet denies the
23 allegations in paragraph 12 of Apple's Answer and Counterclaims.

24 13. Unwired Planet admits that, one of its predecessors, Openwave Systems Inc.
25 acquired assets of Ellipsus Systems, Inc. ("Ellipsus") before filing application number
26 10/601,022, which issued as the '033 Patent. Except as so admitted, Unwired Planet denies the
27 allegations in paragraph 13 of Apple's Answer and Counterclaims.
28

1 14. Unwired Planet admits that Rikard M. Kjellberg is listed as an inventor of the '033
2 Patent. Unwired Planet also admits that Rikard Kjellberg was a cofounder of Ellipsus. Except as
3 so admitted, Unwired Planet lacks knowledge or information as to the allegations in paragraph 14
4 of Apple's Answer and Counterclaims and, on that basis, denies them.

5 15. Unwired Planet lacks knowledge or information as to the allegations in paragraph
6 15 of Apple's Answer and Counterclaims and, on that basis, denies them.

7 16. Unwired Planet lacks knowledge or information as to the allegations in paragraph
8 16 of Apple's Answer and Counterclaims and, on that basis, denies them.

9 17. Unwired Planet admits that the following "Other Publication" is listed on the face
10 of the '033 Patent as a cited reference: "Ellipsus White Paper—InfiniteMAP, Ellipsus' Mobile
11 Application Provisioning System, 2 cover pages, pp. 1-9, and 1 post page, appears to be a web
12 page, dated Feb. 12, 2001." Unwired Planet admits that purported documents attached as
13 Exhibits 1, 2, and 4 lack any indicia of a date, and Unwired Planet therefore lacks information to
14 admit or deny facts related to the authenticity of the purported documents attached as Exhibits 1,
15 2, and 4. Except as so admitted, Unwired Planet denies the allegations in paragraph 17 of
16 Apple's Answer and Counterclaims.

17 18. Unwired Planet admits in a June 28, 2005 correspondence in the file history of the
18 '033 Patent, the Examiner stated "Claims 1-6, 9-10, 14-19, and 23-30 are rejected under 35
19 U.S.C. 102(b)." Except as so admitted, Unwired Planet denies the allegations in paragraph 18 of
20 Apple's Answer and Counterclaims.

21 19. Unwired Planet admits in a June 28, 2005 correspondence in the file history of the
22 '033 Patent, the Examiner stated "it is inherent that there would be multiple domains based on
23 different subset of a plurality of wireless services subscribers." Except as so admitted, Unwired
24 Planet denies the allegations in paragraph 19 of Apple's Answer and Counterclaims.

25 20. Unwired Planet admits that in a June 28, 2005 correspondence in the file history of
26 the '033 Patent, the Examiner stated "In view of the inability of the Examiner to obtain any
27 additional Ellipsus information, as the company has been acquired by the current assignee,
28 Openwave Systems Inc., the Examiner is requesting any additional information that Applicants

1 may have access to that would be material to the examination of this applications.” Except as so
2 admitted, Unwired Planet denies the allegations in paragraph 20 of Apple’s Answer and
3 Counterclaims.

4 21. Unwired Planet admits that in a September 30, 2005 correspondence in the file
5 history of the ’033 Patent, applicants stated “Applicants acknowledge the Examiner’s Request for
6 Additional Information. Applicants are not aware of any other information that may be material
7 to the examination of this application, other than the materials which have already been cited and
8 the materials which are being cited concurrently with the filing of this amendment.” Except as so
9 admitted, Unwired Planet denies the allegations in paragraph 21 of Apple’s Answer and
10 Counterclaims.

11 22. Unwired Planet lacks knowledge or information as to the allegations in paragraph
12 22 of Apple’s Answer and Counterclaims and, on that basis, denies them.

13 23. Unwired Planet admits that in a December 20, 2005 correspondence in the file
14 history of the ’033 Patent, the Examiner stated “Claims 14-19 are rejected under 35 U.S.C.
15 102(b),” “Claims 1, 5-6, 9-10, 23-30 are rejected under 35 U.S.C. 103(a),” and “Claims 7-8, 11-
16 13, and 20-22 are rejected under 35 U.S.C. 103(a).” Unwired Planet further admits that in a May
17 5, 2006 correspondence in the file history of the ’033 Patent, the Examiner stated “Claims 14-19
18 are rejected under 35 U.S.C. 102(b),” “Claims 1, 5-6, 9-10, 23-30 are rejected under 35 U.S.C.
19 103(a),” and “Claims 7-8, 11-13, and 20-22 are rejected under 35 U.S.C. 103(a).” Except as so
20 admitted, Unwired Planet denies the allegations in paragraph 23 of Apple’s Answer and
21 Counterclaims.

22 24. Unwired Planet admits that in an October 10, 2006 correspondence in the file
23 history of the ’033 Patent, applicants stated “Applicants respectfully maintain all of their
24 previously submitted arguments regarding the prior art rejections.” Except as so admitted,
25 Unwired Planet denies the allegations in paragraph 24 of Apple’s Answer and Counterclaims.

26 25. Unwired Planet admits that the following quotation is excerpted from the
27 document purported attached as Exhibit 1 to Apple’s Answer and Counterclaims: “positioned in
28 the enterprise information technology (IT) infrastructure between the content server and the

1 wireless network, and links end users with the content. The content can be delivered to the largest
2 possible user population, since infiniteMASS provides the bridge between the multitude of
3 mobile devices and a content source, such as an enterprise portal or e-commerce server. This is
4 possible since infiniteMASS supports both the content formatting and wireless communication
5 protocol functionality, providing a number of 'distribution channels' between a content source
6 and users." Except as so admitted, Unwired Planet denies the allegations in paragraph 25 of
7 Apple's Answer and Counterclaims.

8 26. Unwired Planet denies the allegations in paragraph 26 of Apple's Answer and
9 Counterclaims.

10 27. Unwired Planet denies the allegations in paragraph 27 of Apple's Answer and
11 Counterclaims.

12 28. Unwired Planet denies the allegations in paragraph 28 of Apple's Answer and
13 Counterclaims.

14 29. Unwired Planet lacks knowledge or information as to the allegations in paragraph
15 29 of Apple's Answer and Counterclaims and, on that basis, denies them.

16 30. Unwired Planet lacks knowledge or information as to the allegations in paragraph
17 30 of Apple's Answer and Counterclaims and, on that basis, denies them.

18 31. Unwired Planet denies the allegations in paragraph 31 of Apple's Answer and
19 Counterclaims.

20 **U.S. Patent No. 7,233,790**

21 32. Unwired Planet denies the allegations in paragraph 32 of Apple's Answer and
22 Counterclaims.

23 33. Unwired Planet admits that U.S. Patent No. 7,233,790 (the "'790 Patent") was
24 filed as application number 10/600,746 on or about June 19, 2003. Unwired Planet further admits
25 that, according to the '790 Patent, the following provisional U.S. applications are related to the
26 '790 Patent: 60/393,024 (filed on or about June 28, 2002), 60/392,383 (filed on or about June 28,
27 2002), 60/393,041 (filed on or about June 28, 2002), 60/392,999 (filed on or about June 28,
28

2002). Except as so admitted, Unwired Planet denies the allegations in paragraph 33 of Apple's Answer and Counterclaims.

34. Unwired Planet admits that claims 1 and 8 of the '790 Patent recite, in part, "receiving a plurality of different implementations of at least one of the items of content, where each implementation of any given item of content corresponds to a different set of device capabilities." Except as so admitted, Unwired Planet denies the allegations in paragraph 34 of Apple's Answer and Counterclaims.

35. Unwired Planet admits that, one of its predecessors, Openwave Systems Inc. acquired assets of Ellipsus Systems, Inc. ("Ellipsus") before filing application number 10/600,746, which issued as the '790 Patent. Except as so admitted, Unwired Planet denies the allegations in paragraph 35 of Apple's Answer and Counterclaims.

36. Unwired Planet lacks knowledge or information as to when or if any of the purported documents attached as Exhibits 1–3 were published, and, on that basis, denies that any of the purported documents attached as Exhibits 1–3 were published before June 28, 2001. Unwired Planet also admits that purported documents attached as Exhibits 1, 2, and 3 lack any indicia of a date, and Unwired Planet therefore lacks information to admit or deny facts related to the authenticity of the purported documents attached as Exhibits 1, 2, and 3. Except as so admitted, Unwired Planet denies the allegations in paragraph 36 of Apple's Answer and Counterclaims.

37. Unwired Planet admits that the '790 Patent lists more than 35 "U.S. Patent Documents," "Foreign Patent Documents," and "Other Publications" on the face of the '790 Patent. Unwired Planet also admits that none of the purported documents found in Exhibits 1–3 are found on the face of the '790 Patent or on the face of any Information Disclosure Statement submitted by applicant during the prosecution history of the '685 Patent. Except as so admitted, Unwired Planet denies the allegations in paragraph 37 of Apple's Answer and Counterclaims.

38. The allegations in paragraph 38 of Apple's Answer and Counterclaims contain statements and/or conclusions of law which do not warrant an affirmance or denial. To the extent a response is required, Unwired Planet answers as follows: denied.

1 39. Unwired Planet denies the allegations in paragraph 39 of Apple's Answer and
2 Counterclaims.

3 40. Unwired Planet denies the allegations in paragraph 40 of Apple's Answer and
4 Counterclaims.

5 41. Unwired Planet denies the allegations in paragraph 41 of Apple's Answer and
6 Counterclaims.

7 42. Unwired Planet denies the allegations in paragraph 42 of Apple's Answer and
8 Counterclaims.

9 43. Unwired Planet lacks knowledge or information as to the allegations in paragraph
10 43 of Apple's Answer and Counterclaims and, on that basis, denies them.

11 44. Unwired Planet admits that Rikard Kjellberg was a cofounder of Ellipsus.
12 Unwired Planet also admits that purported documents attached as Exhibits 1 and 2 lack any
13 indicia of an author, and Unwired Planet therefore lacks information to admit or deny facts
14 related to the authorship of the purported documents attached as Exhibits 1 and 2. Except as so
15 admitted, Unwired Planet denies the allegations in paragraph 44 of Apple's Answer and
16 Counterclaims.

17 45. Unwired Planet lacks knowledge or information as to the allegations in paragraph
18 45 of Apple's Answer and Counterclaims and, on that basis, denies them.

19 46. Unwired Planet denies the allegations in paragraph 46 of Apple's Answer and
20 Counterclaims.

21 47. Unwired Planet lacks knowledge or information as to the allegations in paragraph
22 47 of Apple's Answer and Counterclaims and, on that basis, denies them.

23 48. Unwired Planet denies the allegations in paragraph 48 of Apple's Answer and
24 Counterclaims.

25 49. Unwired Planet denies the allegations in paragraph 49 of Apple's Answer and
26 Counterclaims.

U.S. Patent No. 7,020,685

50. Unwired Planet denies the allegations in paragraph 50 of Apple's Answer and Counterclaims.

51. Unwired Planet admits that U.S. Patent No. 7,020,685 (the "'685 Patent") was filed as application number 09/640,902 on or about August 16, 2000. Unwired Planet further admits that, according to the '685 Patent, the following provisional U.S. application is related to the '685 Patent: 60/158,694 (filed on or about October 8, 1999). Except as so admitted, Unwired Planet denies the allegations in paragraph 51 of Apple's Answer and Counterclaims.

UP.Link and PocketNet

52. Unwired Planet admits that it had offered for sale and put into public use various software products more than one year before provisional application 60/158,694 was filed. Except as so admitted, Unwired Planet denies the allegations in paragraph 52 of Apple's Answer and Counterclaims.

53. Unwired Planet lacks knowledge or information as to when or if any of the purported documents attached as Exhibits 5–11 were published, and, on that basis, denies that any of the purported documents attached as Exhibits 5–11 were published before October 8, 1998. Unwired Planet also admits that the purported document attached as Exhibit 5 recites "July 1996" on the bottom left corner of the first page of the purported document attached as Exhibit 5. Unwired Planet admits that the purported document attached as Exhibit 6 recites "August 1996" on the bottom left corner of the first page of the purported document attached as Exhibit 6. Unwired Planet admits that the purported document attached as Exhibit 7 recites "July 15, 1996" on the bottom left corner of the first page of the purported document attached as Exhibit 7. Unwired Planet admits that the purported document attached as Exhibit 8 lacks any indicia of a date, and Unwired Planet therefore lacks information to admit or deny facts related to the authenticity of the purported document attached as Exhibit 8. Unwired Planet admits that the purported document attached as Exhibit 9 recites "July 11, 1996" on the first page of the purported document attached as Exhibit 9. Unwired Planet admits that the purported document attached as Exhibit 10 recites "August 1996" on the bottom left corner of the first page of the

1 purported document attached as Exhibit 10. Unwired Planet admits that the purported document
2 attached as Exhibit 11 recites “10/11/96” on the bottom the page marked “iii” of the purported
3 document attached as Exhibit 11. Except as so admitted, Unwired Planet denies the allegations in
4 paragraph 53 of Apple’s Answer and Counterclaims.

5 54. Unwired Planet admits that the ’685 Patent lists more than 15 “U.S. Patent
6 Documents,” “Foreign Patent Documents,” and “Other Publications” on the face of the ’685
7 Patent. Unwired Planet also admits that none of the purported documents found in Exhibits 5–11
8 are found on the face of the ’685 Patent or on the face of any Information Disclosure Statement
9 submitted by applicant during the prosecution history of the ’685 Patent. Except as so admitted,
10 Unwired Planet denies the allegations in paragraph 54 of Apple’s Answer and Counterclaims.

11 55. The allegations in paragraph 55 of Apple’s Answer and Counterclaims contain
12 statements and/or conclusions of law which do not warrant an affirmance or denial. To the extent
13 a response is required, Unwired Planet answers as follows: denied.

14 56. Unwired Planet denies the allegations in paragraph 56 of Apple’s Answer and
15 Counterclaims.

16 57. Unwired Planet denies the allegations in paragraph 57 of Apple’s Answer and
17 Counterclaims.

18 58. Unwired Planet denies the allegations in paragraph 58 of Apple’s Answer and
19 Counterclaims.

20 59. Unwired Planet denies the allegations in paragraph 59 of Apple’s Answer and
21 Counterclaims.

22 60. Unwired Planet lacks knowledge or information as to the allegations in paragraph
23 60 of Apple’s Answer and Counterclaims and, on that basis, denies them.

24 61. Unwired Planet admits that David A. Chen was employed by Unwired Planet
25 (and/or its predecessors) from May 1998 to April 2005. Except as so admitted, Unwired Planet
26 lacks knowledge or information as to the allegations in paragraph 61 of Apple’s Answer and
27 Counterclaims and, on that basis, denies them.
28

1 62. Unwired Planet lacks knowledge or information as to the allegations in paragraph
2 62 of Apple's Answer and Counterclaims and, on that basis, denies them.

3 63. Unwired Planet admits that Jordan Becker prosecuted one or more patents for
4 Unwired Planet and its predecessors, including application number 09/640,902 which issued as
5 the '685 Patent. Except as so admitted, Unwired Planet lacks knowledge or information as to the
6 allegations in paragraph 63 of Apple's Answer and Counterclaims and, on that basis, denies them.

7 64. Unwired Planet admits that U.S Patent. 6,742,127 (the "'127 Patent") lists
8 "Blakely, Sokoloff, Taylor & Zafman LLP" as "Attorney, Agent, or Firm" on its face. Unwired
9 Planet further admits that the '127 Patent issued to Openwave Systems Inc., a predecessor of
10 Unwired Planet, on May 25, 2004. Unwired Planet also admits that the '685 Patent issued on
11 March 28, 2006. Except as so admitted, Unwired Planet lacks knowledge or information as to the
12 allegations in paragraph 64 of Apple's Answer and Counterclaims and, on that basis, denies them.

13 65. Unwired Planet admits that U.S Patent. 6,665,711 (the "'711 Patent") lists
14 "Blakely, Sokoloff, Taylor & Zafman LLP" as "Attorney, Agent, or Firm" on its face. Unwired
15 Planet further admits that the '711 Patent issued to Openwave Systems Inc., a predecessor of
16 Unwired Planet, on December 16, 2003. Unwired Planet also admits that the '685 Patent issued
17 on March 28, 2006. Except as so admitted, Unwired Planet lacks knowledge or information as to
18 the allegations in paragraph 65 of Apple's Answer and Counterclaims and, on that basis, denies
19 them.

20 66. Unwired Planet lacks knowledge or information as to the allegations in paragraph
21 66 of Apple's Answer and Counterclaims and, on that basis, denies them.

22 67. Unwired Planet admits that in a November 14, 2003 correspondence in the file
23 history of the '685 Patent, the Examiner stated "Claims 1, 9, 13-19, and 46 are rejected under 35
24 U.S.C. 102(e)," "Claims 2-5, 8, 10-12, 20 are rejected under 35 U.S.C. 103(a)," "Claims 21, 23,
25 33-34, 38-40, 42, 47, 51-53 are rejected under 35 U.S.C. 103(a)," "Claims 22, 24, 32, 35-37, 41,
26 48-50, are rejected under 35 U.S.C. 103(a)," "Claims 6-7, 25-30, 43, 45, 54-55 are rejected under
27 35 U.S.C. 103(a)," and "Claim 44 is rejected under 35 U.S.C. 103(a)." Unwired Planet further
28 admits that in an April 26, 2004 correspondence in the file history of the '685 Patent, the

1 Examiner stated “Claims 1, 9, and 46 are rejected under 35 U.S.C. 102(e),” “Claims 2-5, 8, and
2 10-12, are rejected under 35 U.S.C. 103(a),” “Claims 31, 33-34, 38-40, 42, 47, 51-53 are rejected
3 under 35 U.S.C. 103(a),” “Claims 32, 35-37, 41, 48-50, are rejected under 35 U.S.C. 103(a),”
4 “Claims 6-7, 25-30, 43, 45, 54-55 are rejected under 35 U.S.C. 103(a),” and “Claim 44 is rejected
5 under 35 U.S.C. 103(a).” Unwired Planet also admits that in a February 17, 2004 correspondence
6 in the file history of the ’685 Patent, applicant amended claims of the 09/640,902 application and
7 responded to the Examiner’s November 14, 2003 correspondence in the file history of the ’685
8 Patent. Unwired Planet also admits that in a June 17, 2004 correspondence in the file history of
9 the ’685 Patent, applicant responded to the Examiner’s April 26, 2004 correspondence in the file
10 history of the ’685 Patent. Unwired Planet further admits that in a July 29, 2004 correspondence
11 in the file history of the ’685 Patent, the Examiner stated “Claims 1, 3-12 and 25-55 are rejected
12 under the judicially created doctrine of obviousness-type double patenting.” Unwired Planet
13 admits that in an August 10, 2004 correspondence in the file history of the ’685 Patent, applicant
14 filed a “Terminal Disclaimer Under 37 C.F.R. § 1.321(c).” Unwired Planet further admits that in
15 an October 7, 2004 correspondence in the file history of the ’685 Patent, the Examiner issued a
16 “Notice of Allowance and Fee(s) Due.” Except as so admitted, Unwired Planet denies the
17 allegations in paragraph 67 of Apple’s Answer and Counterclaims.

18 68. Unwired Planet denies the allegations in paragraph 68 of Apple’s Answer and
19 Counterclaims.

20 69. The allegations in paragraph 69 of Apple’s Answer and Counterclaims contain
21 statements and/or conclusions of law which do not warrant an affirmance or denial. To the extent
22 a response is required, Unwired Planet answers as follows: denied.

23 70. Unwired Planet denies the allegations in paragraph 70 of Apple’s Answer and
24 Counterclaims.

25 *U.S. Patent No. 6,094,587 (“Armanto”)*

26 71. The allegations in paragraph 71 of Apple’s Answer and Counterclaims contain
27 statements and/or conclusions of law which do not warrant an affirmance or denial. To the extent
28 a response is required, Unwired Planet answers as follows: denied.

1 72. Unwired Planet admits that U.S. Patent 6,094,587 (“Armanto” or the “’587
2 Patent”) is entitled “Programming of a telephone’s ringing tone” and includes 10 claims. Except
3 as so admitted, Unwired Planet denies the allegations in paragraph 72 of Apple’s Answer and
4 Counterclaims.

5 73. Unwired Planet admits that the ’685 Patent lists more than 15 “U.S. Patent
6 Documents,” “Foreign Patent Documents,” and “Other Publications” on the face of the ’685
7 Patent. Unwired Planet also admits that the ’587 Patent is not found on the face of the ’685
8 Patent or on the face of any Information Disclosure Statement submitted by applicant during the
9 prosecution history of the ’685 Patent. Except as so admitted, Unwired Planet denies the
10 allegations in paragraph 73 of Apple’s Answer and Counterclaims.

11 74. Unwired Planet denies the allegations in paragraph 74 of Apple’s Answer and
12 Counterclaims.

13 75. Unwired Planet denies the allegations in paragraph 75 of Apple’s Answer and
14 Counterclaims.

15 76. Unwired Planet denies the allegations in paragraph 76 of Apple’s Answer and
16 Counterclaims.

17 77. Unwired Planet lacks knowledge or information as to the allegations in paragraph
18 77 of Apple’s Answer and Counterclaims and, on that basis, denies them.

19 78. Unwired Planet denies the allegations in paragraph 78 of Apple’s Answer and
20 Counterclaims.

21 79. Unwired Planet admits that the ’685 Patent lists more than 15 “U.S. Patent
22 Documents,” “Foreign Patent Documents,” and “Other Publications” on the face of the ’685
23 Patent. Unwired Planet also admits that the ’587 Patent is not found on the face of the ’685
24 Patent or on the face of any Information Disclosure Statement submitted by applicant during the
25 prosecution history of the ’685 Patent. Except as so admitted, Unwired Planet denies the
26 allegations in paragraph 79 of Apple’s Answer and Counterclaims.

27 80. Unwired Planet lacks knowledge or information as to the allegations in paragraph
28 80 of Apple’s Answer and Counterclaims and, on that basis, denies them.

1 81. Unwired Planet lacks knowledge or information as to the allegations in paragraph
2 81 of Apple's Answer and Counterclaims and, on that basis, denies them.

3 82. Unwired Planet denies the allegations in paragraph 82 of Apple's Answer and
4 Counterclaims.

5 **U.S. Patent No. 6,647,260**

6 83. Unwired Planet denies the allegations in paragraph 83 of Apple's Answer and
7 Counterclaims.

8 84. Unwired Planet admits the allegations in paragraph 84 of Apple's Answer and
9 Counterclaims.

10 *UP.Link and PocketNet*

11 85. Unwired Planet admits that it had offered for sale and put into public use various
12 software products more than one year before application number 09/289,559 was filed. Except as
13 so admitted, Unwired Planet denies the allegations in paragraph 85 of Apple's Answer and
14 Counterclaims.

15 86. Unwired Planet lacks knowledge or information as to when or if any of the
16 purported documents attached as Exhibits 5–11 were published, and, on that basis, denies that any
17 of the purported documents attached as Exhibits 5–11 were published before October 8, 1998.
18 Unwired Planet also admits that the purported document attached as Exhibit 5 recites "July 1996"
19 on the bottom left corner of the first page of the purported document attached as Exhibit 5.
20 Unwired Planet admits that the purported document attached as Exhibit 6 recites "August 1996"
21 on the bottom left corner of the first page of the purported document attached as Exhibit 6.
22 Unwired Planet admits that the purported document attached as Exhibit 7 recites "July 15, 1996"
23 on the bottom left corner of the first page of the purported document attached as Exhibit 7.
24 Unwired Planet admits that the purported document attached as Exhibit 8 lacks any indicia of a
25 date, and Unwired Planet therefore lacks information to admit or deny facts related to the
26 authenticity of the purported document attached as Exhibit 8. Unwired Planet admits that the
27 purported document attached as Exhibit 9 recites "July 11, 1996" on the first page of the
28 purported document attached as Exhibit 9. Unwired Planet admits that the purported document

1 attached as Exhibit 10 recites “August 1996” on the bottom left corner of the first page of the
2 purported document attached as Exhibit 10. Unwired Planet admits that the purported document
3 attached as Exhibit 11 recites “10/11/96” on the bottom the page marked “iii” of the purported
4 document attached as Exhibit 11. Except as so admitted, Unwired Planet denies the allegations in
5 paragraph 86 of Apple’s Answer and Counterclaims.

6 87. Unwired Planet admits that the ’260 Patent lists more than 40 “U.S. Patent
7 Documents,” “Foreign Patent Documents,” and “Other Publications” on the face of the ’260
8 Patent. Unwired Planet also admits that none of the purported documents found in Exhibits 5–11
9 are found on the face of the ’260 Patent or on the face of any Information Disclosure Statement
10 submitted by applicant during the prosecution history of the ’260 Patent. Except as so admitted,
11 Unwired Planet denies the allegations in paragraph 87 of Apple’s Answer and Counterclaims.

12 88. The allegations in paragraph 88 of Apple’s Answer and Counterclaims contain
13 statements and/or conclusions of law which do not warrant an affirmance or denial. To the extent
14 a response is required, Unwired Planet answers as follows: denied.

15 89. Unwired Planet denies the allegations in paragraph 89 of Apple’s Answer and
16 Counterclaims.

17 90. Unwired Planet denies the allegations in paragraph 90 of Apple’s Answer and
18 Counterclaims.

19 91. Unwired Planet denies the allegations in paragraph 91 of Apple’s Answer and
20 Counterclaims.

21 92. Unwired Planet lacks knowledge or information as to the allegations in paragraph
22 92 of Apple’s Answer and Counterclaims and, on that basis, denies them.

23 93. Unwired Planet admits that Peter F. King was employed by Unwired Planet
24 (and/or its predecessors) from November 1995 to March 2001. Except as so admitted, Unwired
25 Planet lacks knowledge or information as to the allegations in paragraph 93 of Apple’s Answer
26 and Counterclaims and, on that basis, denies them.

27 94. Unwired Planet admits that Bruce V. Schwartz was employed by Unwired Planet
28 (and/or its predecessors) from November 1995 to March 2002. Except as so admitted, Unwired

1 Planet lacks knowledge or information as to the allegations in paragraph 94 of Apple's Answer
2 and Counterclaims and, on that basis, denies them.

3 95. Unwired Planet admits that Bruce K. Martin, Jr. was employed by Unwired Planet
4 (and/or its predecessors) from December 1995 to April 2004. Except as so admitted, Unwired
5 Planet lacks knowledge or information as to the allegations in paragraph 95 of Apple's Answer
6 and Counterclaims and, on that basis, denies them.

7 96. Unwired Planet lacks knowledge or information as to the allegations in paragraph
8 96 of Apple's Answer and Counterclaims and, on that basis, denies them.

9 97. Unwired Planet admits that in a July 31, 2001 correspondence in the file history of
10 the '260 Patent, the Examiner stated "Claims 1-3, 17-20, and 21 are rejected under 35 U.S.C.
11 102(e)," "Claims 4-8 and 22 are rejected under 35 U.S.C. 103(a)," "Claims 9 and 10 are rejected
12 under 35 U.S.C. 103(a)," "Claims 11-15 are rejected under 35 U.S.C. 103(a)," and "Claim 16 is
13 rejected under 35 U.S.C. 103(a)." Unwired Planet also admits that in an October 9, 2001
14 correspondence in the file history of the '260 Patent, applicant amended the claims of the
15 09/640,902 application and responded to the Examiner's July 31, 2001 correspondence in the file
16 history of the '260 Patent. Unwired Planet also admits that in a January 16, 2002 correspondence
17 in the file history of the '260 Patent, the Examiner stated "Claims 23-25, 32-35, and 52-55 are
18 rejected under 35 U.S.C. 102(e)," "Claims 26-31 and 36 are rejected under 35 U.S.C. 103(a),"
19 and "Claims 37-51 are rejected under 35 U.S.C. 103(a)." Unwired Planet admits that in a June
20 24, 2002 correspondence in the file history of the '260 Patent, applicant amended the claims of
21 the 09/640,902 application and responded to the Examiner's January 16, 2002 correspondence in
22 the file history of the '260 Patent. Except as so admitted, Unwired Planet denies the allegations
23 in paragraph 97 of Apple's Answer and Counterclaims.

24 98. Unwired Planet further admits that in January 13, 2003 correspondence in the file
25 history of the '260 Patent, the Examiner issued a "Notice of Allowance and Fee(s) Due."
26 Unwired Planet denies the allegations in paragraph 98 of Apple's Answer and Counterclaim.

27 99. Unwired Planet denies the allegations in paragraph 99 of Apple's Answer and
28 Counterclaims.

100. Unwired Planet denies the allegations in paragraph 100 of Apple's Answer and Counterclaims.

RIGHT TO ALLEGE FURTHER DEFENSES

AS SUPPORTED BY THE EVIDENCE

101. Paragraph 101 of Apple's Answer and Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Unwired Planet denies the allegations in paragraph 101 of Apple's Answer and Counterclaims.

COUNTERCLAIM

The introductory paragraph to the "COUNTERCLAIM" section of Apple's Answer and Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Unwired Planet responds as follows: denied.

1. Paragraph 1 of Apple's Answer and Counterclaims does not contain a statement which warrants an affirmance or denial. To the extent any response is warranted, Unwired Planet denies the allegations in paragraph 1 of Apple's Answer and Counterclaims.

2. Unwired Planet admits the allegations in paragraph 2 of Apple's Answer and Counterclaims.

3. Unwired Planet admits the allegations in paragraph 3 of Apple's Answer and Counterclaims.

4. Unwired Planet admits the allegations in paragraph 4 of Apple's Answer and Counterclaims.

5. Unwired Planet admits the allegations in paragraph 5 of Apple's Answer and Counterclaims.

6. Unwired Planet admits the allegations in paragraph 6 of Apple's Answer and Counterclaims.

7. Unwired Planet admits the allegations in paragraph 7 of Apple's Answer and Counterclaims.

8. Unwired Planet admits the allegations in paragraph 8 of Apple's Answer and Counterclaims.

1 so admitted, Unwired Planet lacks knowledge or information as to the allegations in paragraph 16
2 of Apple's Answer and Counterclaims and, on that basis, denies them.

3 17. Unwired Planet lacks knowledge or information as to the allegations in paragraph
4 17 of Apple's Answer and Counterclaims and, on that basis, denies them.

5 18. Unwired Planet lacks knowledge or information as to the allegations in paragraph
6 18 of Apple's Answer and Counterclaims and, on that basis, denies them.

7 19. Unwired Planet admits that the following "Other Publication" is listed on the face
8 of the '033 Patent as a cited reference: "Ellipsus White Paper—InfiniteMAP, Ellipsus' Mobile
9 Application Provisioning System, 2 cover pages, pp. 1-9, and 1 post page, appears to be a web
10 page, dated Feb. 12, 2001." Unwired Planet admits that purported documents attached as
11 Exhibits 1, 2, and 4 lack any indicia of a date, and Unwired Planet therefore lacks information to
12 admit or deny facts related to the authenticity of the purported documents attached as Exhibits 1,
13 2, and 4. Except as so admitted, Unwired Planet denies the allegations in paragraph 19 of
14 Apple's Answer and Counterclaims.

15 20. Unwired Planet admits in a June 28, 2005 correspondence in the file history of the
16 '033 Patent, the Examiner stated "Claims 1-6, 9-10, 14-19, and 23-30 are rejected under 35
17 U.S.C. 102(b)." Except as so admitted, Unwired Planet denies the allegations in paragraph 20 of
18 Apple's Answer and Counterclaims.

19 21. Unwired Planet admits in a June 28, 2005 correspondence in the file history of the
20 '033 Patent, the Examiner stated "it is inherent that there would be multiple domains based on
21 different subset of a plurality of wireless services subscribers." Except as so admitted, Unwired
22 Planet denies the allegations in paragraph 21 of Apple's Answer and Counterclaims.

23 22. Unwired Planet admits that in a June 28, 2005 correspondence in the file history of
24 the '033 Patent, the Examiner stated "In view of the inability of the Examiner to obtain any
25 additional Ellipsus information, as the company has been acquired by the current assignee,
26 Openwave Systems Inc., the Examiner is requesting any additional information that Applicants
27 may have access to that would be material to the examination of this applications." Except as so
28

1 admitted, Unwired Planet denies the allegations in paragraph 22 of Apple's Answer and
2 Counterclaims.

3 23. Unwired Planet admits that in a September 30, 2005 correspondence in the file
4 history of the '033 Patent, applicants stated "Applicants acknowledge the Examiner's Request for
5 Additional Information. Applicants are not aware of any other information that may be material
6 to the examination of this application, other than the materials which have already been cited and
7 the materials which are being cited concurrently with the filing of this amendment." Except as so
8 admitted, Unwired Planet denies the allegations in paragraph 23 of Apple's Answer and
9 Counterclaims.

10 24. Unwired Planet lacks knowledge or information as to the allegations in paragraph
11 24 of Apple's Answer and Counterclaims and, on that basis, denies them.

12 25. Unwired Planet admits that in a December 20, 2005 correspondence in the file
13 history of the '033 Patent, the Examiner stated "Claims 14-19 are rejected under 35 U.S.C.
14 102(b)," "Claims 1, 5-6, 9-10, 23-30 are rejected under 35 U.S.C. 103(a)," and "Claims 7-8, 11-
15 13, and 20-22 are rejected under 35 U.S.C. 103(a)." Unwired Planet further admits that in a May
16 5, 2006 correspondence in the file history of the '033 Patent, the Examiner stated "Claims 14-19
17 are rejected under 35 U.S.C. 102(b)," "Claims 1, 5-6, 9-10, 23-30 are rejected under 35 U.S.C.
18 103(a)," and "Claims 7-8, 11-13, and 20-22 are rejected under 35 U.S.C. 103(a)." Except as so
19 admitted, Unwired Planet denies the allegations in paragraph 25 of Apple's Answer and
20 Counterclaims.

21 26. Unwired Planet admits that in an October 10, 2006 correspondence in the file
22 history of the '033 Patent, applicants stated "Applicants respectfully maintain all of their
23 previously submitted arguments regarding the prior art rejections." Except as so admitted,
24 Unwired Planet denies the allegations in paragraph 26 of Apple's Answer and Counterclaims.

25 27. Unwired Planet admits that the following quotation is excerpted from the
26 document purported attached as Exhibit 1 to Apple's Answer and Counterclaims: "positioned in
27 the enterprise information technology (IT) infrastructure between the content server and the
28 wireless network, and links end users with the content. The content can be delivered to the largest

1 possible user population, since infiniteMASS provides the bridge between the multitude of
2 mobile devices and a content source, such as an enterprise portal or e-commerce server. This is
3 possible since infiniteMASS supports both the content formatting and wireless communication
4 protocol functionality, providing a number of 'distribution channels' between a content source
5 and users." Except as so admitted, Unwired Planet denies the allegations in paragraph 27 of
6 Apple's Answer and Counterclaims.

7 28. Unwired Planet denies the allegations in paragraph 28 of Apple's Answer and
8 Counterclaims.

9 29. Unwired Planet denies the allegations in paragraph 29 of Apple's Answer and
10 Counterclaims.

11 30. Unwired Planet denies the allegations in paragraph 30 of Apple's Answer and
12 Counterclaims.

13 31. Unwired Planet lacks knowledge or information as to the allegations in paragraph
14 31 of Apple's Answer and Counterclaims and, on that basis, denies them.

15 32. Unwired Planet lacks knowledge or information as to the allegations in paragraph
16 32 of Apple's Answer and Counterclaims and, on that basis, denies them.

17 33. Unwired Planet denies the allegations in paragraph 33 of Apple's Answer and
18 Counterclaims.

19 **U.S. Patent No. 7,233,790**

20 34. Unwired Planet denies the allegations in paragraph 34 of Apple's Answer and
21 Counterclaims.

22 35. Unwired Planet admits that U.S. Patent No. 7,233,790 (the "'790 Patent") was
23 filed as application number 10/600,746 on or about June 19, 2003. Unwired Planet further admits
24 that, according to the '790 Patent, the following provisional U.S. applications are related to the
25 '790 Patent: 60/393,024 (filed on or about June 28, 2002), 60/392,383 (filed on or about June 28,
26 2002), 60/393,041 (filed on or about June 28, 2002), 60/392,999 (filed on or about June 28,
27 2002). Except as so admitted, Unwired Planet denies the allegations in paragraph 35 of Apple's
28 Answer and Counterclaims.

1 36. Unwired Planet admits that claims 1 and 8 of the '790 Patent recite, in part,
2 “receiving a plurality of different implementations of at least one of the items of content, where
3 each implementation of any given item of content corresponds to a different set of device
4 capabilities.” Except as so admitted, Unwired Planet denies the allegations in paragraph 36 of
5 Apple’s Answer and Counterclaims.

6 37. Unwired Planet admits that, one of its predecessors, Openwave Systems Inc.
7 acquired assets of Ellipsus Systems, Inc. (“Ellipsus”) before filing application number
8 10/600,746, which issued as the '790 Patent. Except as so admitted, Unwired Planet denies the
9 allegations in paragraph 37 of Apple’s Answer and Counterclaims.

10 38. Unwired Planet lacks knowledge or information as to when or if any of the
11 purported documents attached as Exhibits 1–3 were published, and, on that basis, denies that any
12 of the purported documents attached as Exhibits 1–3 were published before June 28, 2001.
13 Unwired Planet also admits that purported documents attached as Exhibits 1, 2, and 3 lack any
14 indicia of a date, and Unwired Planet therefore lacks information to admit or deny facts related to
15 the authenticity of the purported documents attached as Exhibits 1, 2, and 3. Except as so
16 admitted, Unwired Planet denies the allegations in paragraph 38 of Apple’s Answer and
17 Counterclaims.

18 39. Unwired Planet admits that the '790 Patent lists more than 35 “U.S. Patent
19 Documents,” “Foreign Patent Documents,” and “Other Publications” on the face of the '790
20 Patent. Unwired Planet also admits that none of the purported documents found in Exhibits 1–3
21 are found on the face of the '790 Patent or on the face of any Information Disclosure Statement
22 submitted by applicant during the prosecution history of the '685 Patent. Except as so admitted,
23 Unwired Planet denies the allegations in paragraph 39 of Apple’s Answer and Counterclaims.

24 40. The allegations in paragraph 40 of Apple’s Answer and Counterclaims contain
25 statements and/or conclusions of law which do not warrant an affirmance or denial. To the extent
26 a response is required, Unwired Planet answers as follows: denied.

27 41. Unwired Planet denies the allegations in paragraph 41 of Apple’s Answer and
28 Counterclaims.

1 42. Unwired Planet denies the allegations in paragraph 42 of Apple's Answer and
2 Counterclaims.

3 43. Unwired Planet denies the allegations in paragraph 43 of Apple's Answer and
4 Counterclaims.

5 44. Unwired Planet denies the allegations in paragraph 44 of Apple's Answer and
6 Counterclaims.

7 45. Unwired Planet lacks knowledge or information as to the allegations in paragraph
8 45 of Apple's Answer and Counterclaims and, on that basis, denies them.

9 46. Unwired Planet admits that Rikard Kjellberg was a cofounder of Ellipsus.
10 Unwired Planet also admits that purported documents attached as Exhibits 1 and 2 lack any
11 indicia of an author, and Unwired Planet therefore lacks information to admit or deny facts
12 related to the authorship of the purported documents attached as Exhibits 1 and 2. Except as so
13 admitted, Unwired Planet denies the allegations in paragraph 46 of Apple's Answer and
14 Counterclaims.

15 47. Unwired Planet lacks knowledge or information as to the allegations in paragraph
16 47 of Apple's Answer and Counterclaims and, on that basis, denies them.

17 48. Unwired Planet denies the allegations in paragraph 48 of Apple's Answer and
18 Counterclaims.

19 49. Unwired Planet lacks knowledge or information as to the allegations in paragraph
20 49 of Apple's Answer and Counterclaims and, on that basis, denies them.

21 50. Unwired Planet denies the allegations in paragraph 50 of Apple's Answer and
22 Counterclaims.

23 51. Unwired Planet denies the allegations in paragraph 51 of Apple's Answer and
24 Counterclaims.

25 **U.S. Patent No. 7,020,685**

26 52. Unwired Planet denies the allegations in paragraph 52 of Apple's Answer and
27 Counterclaims.
28

1 53. Unwired Planet admits that U.S. Patent No. 7,020,685 (the “’685 Patent”) was
2 filed as application number 09/640,902 on or about August 16, 2000. Unwired Planet further
3 admits that, according to the ’685 Patent, the following provisional U.S. application is related to
4 the ’685 Patent: 60/158,694 (filed on or about October 8, 1999). Except as so admitted, Unwired
5 Planet denies the allegations in paragraph 53 of Apple’s Answer and Counterclaims.

6 *UP.Link and PocketNet*

7 54. Unwired Planet admits that it had offered for sale and put into public use various
8 software products more than one year before provisional application 60/158,694 was filed.
9 Except as so admitted, Unwired Planet denies the allegations in paragraph 54 of Apple’s Answer
10 and Counterclaims.

11 55. Unwired Planet lacks knowledge or information as to when or if any of the
12 purported documents attached as Exhibits 5–11 were published, and, on that basis, denies that any
13 of the purported documents attached as Exhibits 5–11 were published before October 8, 1998.
14 Unwired Planet also admits that the purported document attached as Exhibit 5 recites “July 1996”
15 on the bottom left corner of the first page of the purported document attached as Exhibit 5.
16 Unwired Planet admits that the purported document attached as Exhibit 6 recites “August 1996”
17 on the bottom left corner of the first page of the purported document attached as Exhibit 6.
18 Unwired Planet admits that the purported document attached as Exhibit 7 recites “July 15, 1996”
19 on the bottom left corner of the first page of the purported document attached as Exhibit 7.
20 Unwired Planet admits that the purported document attached as Exhibit 8 lacks any indicia of a
21 date, and Unwired Planet therefore lacks information to admit or deny facts related to the
22 authenticity of the purported document attached as Exhibit 8. Unwired Planet admits that the
23 purported document attached as Exhibit 9 recites “July 11, 1996” on the first page of the
24 purported document attached as Exhibit 9. Unwired Planet admits that the purported document
25 attached as Exhibit 10 recites “August 1996” on the bottom left corner of the first page of the
26 purported document attached as Exhibit 10. Unwired Planet admits that the purported document
27 attached as Exhibit 11 recites “10/11/96” on the bottom the page marked “iii” of the purported
28

1 document attached as Exhibit 11. Except as so admitted, Unwired Planet denies the allegations in
2 paragraph 55 of Apple's Answer and Counterclaims.

3 56. Unwired Planet admits that the '685 Patent lists more than 15 "U.S. Patent
4 Documents," "Foreign Patent Documents," and "Other Publications" on the face of the '685
5 Patent. Unwired Planet also admits that none of the purported documents found in Exhibits 5–11
6 are found on the face of the '685 Patent or on the face of any Information Disclosure Statement
7 submitted by applicant during the prosecution history of the '685 Patent. Except as so admitted,
8 Unwired Planet denies the allegations in paragraph 56 of Apple's Answer and Counterclaims.

9 57. The allegations in paragraph 57 of Apple's Answer and Counterclaims contain
10 statements and/or conclusions of law which do not warrant an affirmance or denial. To the extent
11 a response is required, Unwired Planet answers as follows: denied.

12 58. Unwired Planet denies the allegations in paragraph 58 of Apple's Answer and
13 Counterclaims.

14 59. Unwired Planet denies the allegations in paragraph 59 of Apple's Answer and
15 Counterclaims.

16 60. Unwired Planet denies the allegations in paragraph 60 of Apple's Answer and
17 Counterclaims.

18 61. Unwired Planet denies the allegations in paragraph 61 of Apple's Answer and
19 Counterclaims.

20 62. Unwired Planet lacks knowledge or information as to the allegations in paragraph
21 62 of Apple's Answer and Counterclaims and, on that basis, denies them.

22 63. Unwired Planet admits that David A. Chen was, employed by Unwired Planet
23 (and/or its predecessors) from May 1998 to April 2005. Except as so admitted, Unwired Planet
24 lacks knowledge or information as to the allegations in paragraph 63 of Apple's Answer and
25 Counterclaims and, on that basis, denies them.

26 64. Unwired Planet lacks knowledge or information as to the allegations in paragraph
27 64 of Apple's Answer and Counterclaims and, on that basis, denies them.
28

1 65. Unwired Planet admits that Jordan Becker prosecuted one or more patents for
2 Unwired Planet and its predecessors, including application number 09/640,902 which issued as
3 the '685 Patent. Except as so admitted, Unwired Planet lacks knowledge or information as to the
4 allegations in paragraph 65 of Apple's Answer and Counterclaims and, on that basis, denies them.

5 66. Unwired Planet admits that U.S Patent. 6,742,127 (the "'127 Patent") lists
6 "Blakely, Sokoloff, Taylor & Zafman LLP" as "Attorney, Agent, or Firm" on its face. Unwired
7 Planet further admits that the '127 Patent issued to Openwave Systems Inc., a predecessor of
8 Unwired Planet, on May 25, 2004. Unwired Planet also admits that the '685 Patent issued on
9 March 28, 2006. Except as so admitted, Unwired Planet lacks knowledge or information as to the
10 allegations in paragraph 66 of Apple's Answer and Counterclaims and, on that basis, denies them.

11 67. Unwired Planet admits that U.S Patent. 6,665,711 (the "'711 Patent") lists
12 "Blakely, Sokoloff, Taylor & Zafman LLP" as "Attorney, Agent, or Firm" on its face. Unwired
13 Planet further admits that the '711 Patent issued to Openwave Systems Inc., a predecessor of
14 Unwired Planet, on December 16, 2003. Unwired Planet also admits that the '685 Patent issued
15 on March 28, 2006. Except as so admitted, Unwired Planet lacks knowledge or information as to
16 the allegations in paragraph 67 of Apple's Answer and Counterclaims and, on that basis, denies
17 them.

18 68. Unwired Planet lacks knowledge or information as to the allegations in paragraph
19 68 of Apple's Answer and Counterclaims and, on that basis, denies them.

20 69. Unwired Planet admits that in a November 14, 2003 correspondence in the file
21 history of the '685 Patent, the Examiner stated "Claims 1, 9, 13-19, and 46 are rejected under 35
22 U.S.C. 102(e)," "Claims 2-5, 8, 10-12, 20 are rejected under 35 U.S.C. 103(a)," "Claims 21, 23,
23 33-34, 38-40, 42, 47, 51-53 are rejected under 35 U.S.C. 103(a)," "Claims 22, 24, 32, 35-37, 41,
24 48-50, are rejected under 35 U.S.C. 103(a)," "Claims 6-7, 25-30, 43, 45, 54-55 are rejected under
25 35 U.S.C. 103(a)," and "Claim 44 is rejected under 35 U.S.C. 103(a)." Unwired Planet further
26 admits that in an April 26, 2004 correspondence in the file history of the '685 Patent, the
27 Examiner stated "Claims 1, 9, and 46 are rejected under 35 U.S.C. 102(e)," "Claims 2-5, 8, and
28 10-12, are rejected under 35 U.S.C. 103(a)," "Claims 31, 33-34, 38-40, 42, 47, 51-53 are rejected

1 under 35 U.S.C. 103(a),” “Claims 32, 35-37, 41, 48-50, are rejected under 35 U.S.C. 103(a),”
2 “Claims 6-7, 25-30, 43, 45, 54-55 are rejected under 35 U.S.C. 103(a),” and “Claim 44 is rejected
3 under 35 U.S.C. 103(a).” Unwired Planet also admits that in a February 17, 2004 correspondence
4 in the file history of the ’685 Patent, applicant amended claims of the 09/640,902 application and
5 responded to the Examiner’s November 14, 2003 correspondence in the file history of the ’685
6 Patent. Unwired Planet also admits that in a June 17, 2004 correspondence in the file history of
7 the ’685 Patent, applicant responded to the Examiner’s April 26, 2004 correspondence in the file
8 history of the ’685 Patent. Unwired Planet further admits that in a July 29, 2004 correspondence
9 in the file history of the ’685 Patent, the Examiner stated “Claims 1, 3-12 and 25-55 are rejected
10 under the judicially created doctrine of obviousness-type double patenting.” Unwired Planet
11 admits that in an August 10, 2004 correspondence in the file history of the ’685 Patent, applicant
12 filed a “Terminal Disclaimer Under 37 C.F.R. § 1.321(c).” Unwired Planet further admits that in
13 an October 7, 2004 correspondence in the file history of the ’685 Patent, the Examiner issued a
14 “Notice of Allowance and Fee(s) Due.” Except as so admitted, Unwired Planet denies the
15 allegations in paragraph 69 of Apple’s Answer and Counterclaims.

16 70. Unwired Planet denies the allegations in paragraph 70 of Apple’s Answer and
17 Counterclaims.

18 71. The allegations in paragraph 71 of Apple’s Answer and Counterclaims contain
19 statements and/or conclusions of law which do not warrant an affirmance or denial. To the extent
20 a response is required, Unwired Planet answers as follows: denied.

21 72. Unwired Planet denies the allegations in paragraph 72 of Apple’s Answer and
22 Counterclaims.

23 *U.S. Patent 6,094,587 (“Armanto”)*

24 73. The allegations in paragraph 73 of Apple’s Answer and Counterclaims contain
25 statements and/or conclusions of law which do not warrant an affirmance or denial. To the extent
26 a response is required, Unwired Planet answers as follows: denied.

27 74. Unwired Planet admits that U.S. Patent 6,094,587 (“Armanto” or the “’587
28 Patent”) is entitled “Programming of a telephone’s ringing tone” and includes 10 claims. Except

1 as so admitted, Unwired Planet denies the allegations in paragraph 74 of Apple's Answer and
2 Counterclaims.

3 75. Unwired Planet admits that the '685 Patent lists more than 15 "U.S. Patent
4 Documents," "Foreign Patent Documents," and "Other Publications" on the face of the '685
5 Patent. Unwired Planet also admits that the '587 Patent is not found on the face of the '685
6 Patent or on the face of any Information Disclosure Statement submitted by applicant during the
7 prosecution history of the '685 Patent. Except as so admitted, Unwired Planet denies the
8 allegations in paragraph 75 of Apple's Answer and Counterclaims.

9 76. Unwired Planet denies the allegations in paragraph 76 of Apple's Answer and
10 Counterclaims.

11 77. Unwired Planet denies the allegations in paragraph 77 of Apple's Answer and
12 Counterclaims.

13 78. Unwired Planet denies the allegations in paragraph 78 of Apple's Answer and
14 Counterclaims.

15 79. Unwired Planet lacks knowledge or information as to the allegations in paragraph
16 79 of Apple's Answer and Counterclaims and, on that basis, denies them.

17 80. Unwired Planet denies the allegations in paragraph 80 of Apple's Answer and
18 Counterclaims.

19 81. Unwired Planet admits that the '685 Patent lists more than 15 "U.S. Patent
20 Documents," "Foreign Patent Documents," and "Other Publications" on the face of the '685
21 Patent. Unwired Planet also admits that the '587 Patent is not found on the face of the '685
22 Patent or on the face of any Information Disclosure Statement submitted by applicant during the
23 prosecution history of the '685 Patent. Except as so admitted, Unwired Planet denies the
24 allegations in paragraph 81 of Apple's Answer and Counterclaims.

25 82. Unwired Planet lacks knowledge or information as to the allegations in paragraph
26 82 of Apple's Answer and Counterclaims and, on that basis, denies them.

27 83. Unwired Planet lacks knowledge or information as to the allegations in paragraph
28 83 of Apple's Answer and Counterclaims and, on that basis, denies them.

1 attached as Exhibit 11 recites “10/11/96” on the bottom the page marked “iii” of the purported
2 document attached as Exhibit 11. Except as so admitted, Unwired Planet denies the allegations in
3 paragraph 88 of Apple’s Answer and Counterclaims.

4 89. Unwired Planet admits that the ’260 Patent lists more than 40 “U.S. Patent
5 Documents,” “Foreign Patent Documents,” and “Other Publications” on the face of the ’260
6 Patent. Unwired Planet also admits that none of the purported documents found in Exhibits 5–11
7 are found on the face of the ’260 Patent or on the face of any Information Disclosure Statement
8 submitted by applicant during the prosecution history of the ’260 Patent. Except as so admitted,
9 Unwired Planet denies the allegations in paragraph 89 of Apple’s Answer and Counterclaims.

10 90. The allegations in paragraph 90 of Apple’s Answer and Counterclaims contain
11 statements and/or conclusions of law which do not warrant an affirmance or denial. To the extent
12 a response is required, Unwired Planet answers as follows: denied.

13 91. Unwired Planet denies the allegations in paragraph 91 of Apple’s Answer and
14 Counterclaims.

15 92. Unwired Planet denies the allegations in paragraph 92 of Apple’s Answer and
16 Counterclaims.

17 93. Unwired Planet denies the allegations in paragraph 93 of Apple’s Answer and
18 Counterclaims.

19 94. Unwired Planet lacks knowledge or information as to the allegations in paragraph
20 94 of Apple’s Answer and Counterclaims and, on that basis, denies them.

21 95. Unwired Planet admits that Peter F. King was employed by Unwired Planet
22 (and/or its predecessors) from November 1995 to March 2001. Except as so admitted, Unwired
23 Planet lacks knowledge or information as to the allegations in paragraph 95 of Apple’s Answer
24 and Counterclaims and, on that basis, denies them.

25 96. Unwired Planet admits that Bruce V. Schwartz was employed by Unwired Planet
26 (and/or its predecessors) from November 1995 to March 2002. Except as so admitted, Unwired
27 Planet lacks knowledge or information as to the allegations in paragraph 96 of Apple’s Answer
28 and Counterclaims and, on that basis, denies them.

1 97. Unwired Planet admits that Bruce K. Martin, Jr. was employed by Unwired Planet
2 (and/or its predecessors) from December 1995 to April 2004. Except as so admitted, Unwired
3 Planet lacks knowledge or information as to the allegations in paragraph 97 of Apple's Answer
4 and Counterclaims and, on that basis, denies them.

5 98. Unwired Planet lacks knowledge or information as to the allegations in paragraph
6 98 of Apple's Answer and Counterclaims and, on that basis, denies them.

7 99. Unwired Planet admits that in a July 31, 2001 correspondence in the file history of
8 the '260 Patent, the Examiner stated "Claims 1-3, 17-20, and 21 are rejected under 35 U.S.C.
9 102(e)," "Claims 4-8 and 22 are rejected under 35 U.S.C. 103(a)," "Claims 9 and 10 are rejected
10 under 35 U.S.C. 103(a)," "Claims 11-15 are rejected under 35 U.S.C. 103(a)," and "Claim 16 is
11 rejected under 35 U.S.C. 103(a)." Unwired Planet also admits that in an October 9, 2001
12 correspondence in the file history of the '260 Patent, applicant amended the claims of the
13 09/640,902 application and responded to the Examiner's July 31, 2001 correspondence in the file
14 history of the '260 Patent. Unwired Planet also admits that in a January 16, 2002 correspondence
15 in the file history of the '260 Patent, the Examiner stated "Claims 23-25, 32-35, and 52-55 are
16 rejected under 35 U.S.C. 102(e)," "Claims 26-31 and 36 are rejected under 35 U.S.C. 103(a),"
17 and "Claims 37-51 are rejected under 35 U.S.C. 103(a)." Unwired Planet admits that in a June
18 24, 2002 correspondence in the file history of the '260 Patent, applicant amended the claims of
19 the 09/640,902 application and responded to the Examiner's January 16, 2002 correspondence in
20 the file history of the '260 Patent. Except as so admitted, Unwired Planet denies the allegations
21 in paragraph 99 of Apple's Answer and Counterclaims.

22 100. Unwired Planet further admits that in January 13, 2003 correspondence in the file
23 history of the '260 Patent, the Examiner issued a "Notice of Allowance and Fee(s) Due."
24 Unwired Planet denies the allegations in paragraph 100 of Apple's Answer and Counterclaim.

25 101. Unwired Planet denies the allegations in paragraph 101 of Apple's Answer and
26 Counterclaims.

27 102. Unwired Planet denies the allegations in paragraph 102 of Apple's Answer and
28 Counterclaims.

1 103. Unwired Planet admits that an actual, justiciable controversy exists between
2 Unwired Planet and Apple. Except as so admitted Unwired Planet denies the allegations in
3 paragraph 103 of Apple's Answer and Counterclaims.

4 104. Unwired Planet denies the allegations in paragraph 104 of Apple's Answer and
5 Counterclaims.

6 105. Unwired Planet denies the allegations in paragraph 105 of Apple's Answer and
7 Counterclaims.

8 **APPLE'S DEMAND FOR JURY TRIAL**

9 Apple's "DEMAND FOR JURY TRIAL" does not contain a statement which warrants an
10 affirmance or denial.

11 **APPLE'S PRAYER FOR RELIEF**

12 Unwired Planet denies that Apple is entitled to the relief requested in paragraphs A-H of
13 Apple's Answer and Counterclaims or any other relief on Apple's Answer and Counterclaims.

14 **UNWIRED PLANET'S PRAYER FOR RELIEF**

15 WHEREFORE, Unwired Planet prays for the following relief against Apple:

16 A. that all relief requested by Unwired Planet in its Complaint be granted;

17 B. that all relief requested by Apple in its Answer and Counterclaims be denied and
18 that Apple take nothing by way of its Answer and Counterclaims;

19 C. that Apple be ordered to pay the costs of this action (including all disbursements)
20 and attorneys fees as provided by 35 U.S.C. § 285 and all other applicable statutes, rules, and
21 common law; and

22 D. such other and further relief as the Court deems just and equitable.

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DEMAND FOR JURY TRIAL

Unwired Planet hereby demands a trial by jury for all issues so triable.

Dated: December 21, 2012

Respectfully submitted,

/s/ Michael D. Rounds

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**ATTORNEYS FOR PLAINTIFF
UNWIRED PLANET LLC.**

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of Watson Rounds, and that on this date a true and correct copy of the foregoing document, **PLAINTIFF'S REPLY TO APPLE INC.'S ANSWER TO COMPLAINT FOR PATENT INFRINGEMENT, AFFIRMATIVE AND OTHER DEFENSES, AND COUNTERCLAIM**, will be served upon counsel of record via electronic mail through the United States District Court's CM/ECF system.

DATED December 21, 2012

/s/ Marilyn Marsh

An Employee of Watson Rounds